

ICCM5 Highlights:

Thursday, 28 September 2023

The High-level Segment (HLS) opened with many calls for an ambitious new global framework and High-level Declaration (HLD) on the management of chemicals and waste, while negotiators raced to make that happen by working in multiple groups throughout the day.

Negotiations on the Framework and High-level Declaration

Morning Plenary: ICCM5 President Anita Breyer (Germany) opened morning plenary by informing the Conference that while good progress was made, “it is probably no surprise” that negotiations will be continued through the day and evening to finalize outstanding issues.

Committee of the Whole (CoW) Co-Chair Keima Gardiner (Trinidad and Tobago) reported the CoW had worked until 2 AM on the draft framework text, managing to clear brackets around the paragraph on taking stock of progress but had not reached agreement on sections relating to the scope and modalities for revising and updating the framework. President Breyer agreed to renew the mandate of the CoW to finalize its work and report back to Friday’s plenary.

Resolutions Contact Group Co-Facilitator Kay Williams (UK) said the group worked until 4 AM and successfully finalized 10 streamlined texts, from an initial set of 20 draft resolutions assigned to the group. She reported, however, that consensus was not reached on two draft resolutions on a capacity building hub proposed by the International Council of Chemicals Associations (ICCA), and on an international code of conduct on chemicals and waste management. President Breyer announced that the Contact Group would not be reopened.

Programme of Work and Budget Working Group Co-Facilitator Přemysl Štěpánek (Czechia) reported that the group considered the possible budget implications of several draft resolutions, with some matters pending outcomes of the Resolutions Contact Group. President Breyer extended the mandate of the Working Group until Friday.

President Breyer announced that the report from the Friends of the President Group on the draft HLD and the name of the framework, which was meeting in parallel, would be postponed and that a short plenary would convene in the evening to hear its report.

CoW: Co-Chair Reggie Hernaes (Netherlands) tasked three informal open-ended informal groups to work, respectively, on scope, targets, and finance and to report back to the CoW in the evening.

Scope: Co-facilitator Thomas Nickson (UK) said this group’s mandate would include examining the term “chemicals and waste” which exists throughout the whole document; deciding on the terms “sound” or “safe” management; and consider the chapeau of principles and approaches. Discussions focused on the placement of the term “products” and considering “the production” of chemicals within the text. There were also diverging views on whether the scope should cover “the lifecycle of chemicals” or “chemicals throughout their lifecycle,” and how to highlight the inclusion of waste management. No agreement was achieved.

When the CoW reconvened in the evening, Nickson reported that while the group reached an agreement on the scope text, they wished to continue discussion on how reflect the agreed scope in the relevant parts of the rest of the framework text. COLOMBIA opposed the new scope text, noting their delegation was not part of the discussions. The issue was sent back to the informal group for further work.

Targets: The informal group looked at eight draft targets but could only largely agree on “clean” text for one, D7, which only lacks insertion of a target date: “[By 20XX,] stakeholders implement measures and strive to ensure effective occupational health and safety practices as well as environmental protection measures in all relevant sectors and throughout the supply chain.” The group also agreed to delete target D8 on standards, labels and certification schemes.

When the CoW reconvened in the evening, it proceeded to discuss target A5, about regulating export of substances that are prohibited nationally. After not being able to agree on alternative language, INDIA, the US, and JAPAN opposed forming a small informal group to come up with a solution. Co-Chair Gardiner asked the CoW if there could be agreement to delete the target. Many participants, including the AFRICAN GROUP, strongly opposed deletion. Co-Chair Gardiner asked interested participants to form an informal group to work on this target on the margins.

The CoW continued work on targets into the evening.

Finance: Informal group Facilitator Sverre Thomas Jahre (Norway) informed the group that work on finance is underway in a smaller group on the sidelines based on a “comprehensive approach” trying to forge a package that includes a compromise on the framework’s financial considerations text, the finance target, and creating a fund similar to the Quick Start Programme (QSP) that would use USD 2.5 million left over from the original QSP plus EUR 10 million pledged by Germany to launch. When the CoW reconvened in the evening, Jahre informed that no agreement was yet reached. The mandate of the informal group was extended by the CoW.

High-level Segment

Opening: Strategic Approach to International Chemicals Management (SAICM) Coordinator Pierre Quiblier opened the HLS.

Via video message, Olaf Scholz, Federal Chancellor, Germany, acknowledged that chemicals bring benefits and are an indispensable part of the global value chain, but stressed that their mismanagement has led to a pollution crisis across the planet that requires joint action. He urged adopting ambitious commitments in the HLD that can provide guidance and serve as a point of reference for other initiatives while creating global awareness and prompting joint action.

Inger Andersen, Executive Director, UN Environment Programme, said since the original deadline for adopting a new framework in 2020, close to six million people have likely died from direct chemical pollution, countless ecosystems and species have been polluted and poisoned, and trillions of dollars in damages have likely been incurred. She called for adopting a framework “in the strongest, most specific and most inclusive terms, backed with the right finance for developing nations” and urged delegates to use compromise and creativity to achieve that goal.

Steffi Lemke, Federal Minister for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, Germany, said her country’s goal for ICCM5 is to adopt ambitious targets and effective measures for sound chemicals management. She announced Germany’s commitment to give EUR 10 million for future activities for capacity building, knowledge sharing, and helping countries set up chemicals management regimes.

Racheal Nestor, Chemicals and Waste Youth Platform/Caribbean Youth Environmental Network, announced the development of the “first ever” youth declaration on chemicals and waste, calling for, *inter alia*, recognizing that uncontrolled practices related to chemicals and waste are an intergenerational hazard, and children and youth have a heightened exposure to them.

Valerie Hickey, Global Director, Environment, Natural Resources and Blue Economy, World Bank, called for political action towards solutions for the safe use of chemicals with a focus on tracking progress, increased financing and developing partnerships.

Marcos Orellana, UN Special Rapporteur on Toxics and Human Rights, said the growing chasm between scientific evidence and actions to address chemical pollution “is not an accident.” He suggested it leads to a focus on “minimizing” risks or “sustainably managing” chemicals that ignores the reality of those who bear the brunt of chemicals exposure. Orellana suggested that a human rights approach offers strong tools for bridging this gap.

ICCM5 President Anita Breyer described the long consultative process to develop the zero draft of the HLD. She said the resulting draft text is short and concise, outlines global challenges faced as well as priority areas to be addressed, and communicates parties’ determination to take bold and urgent action.

Virginijus Sinkevičius, Commissioner for the Environment, Oceans and Fisheries, European Commission, underlined the strong interlinkages between integrated action on chemicals and waste and achieving the 2030 Agenda on Sustainable Development.

Key Stakeholder Representatives’ Reflections: Moderator Nikhil Seth, Executive Director, UN Institute for Training and Research (UNITAR), invited the panel to offer some take aways in their personal and institutional capacities.

Haoliang Xu, UN Development Programme (UNDP), said he was struck by young people’s perspectives and expressed hope the “reckless” paths of development of the past will not be repeated. He stressed the importance of learning from good examples of legislation, policies, and institutions.

Ciyong Zou, Deputy Director General, UN Industrial Development Organization (UNIDO), discussed how UNIDO works with actors from industry and academia to explore more sustainable solutions and strengthen capacity building and technology transfer.

Noting significant alignment among the speakers, Maria Neira, World Health Organization (WHO), urged going beyond analysis to undertake action to remove the identified obstacles. Citing decisive action on lead, she quipped that “we will become even more intelligent and take more action in future!”

Joaquim Pintado Nunes, International Labor Organization (ILO) recalled that member states recognized occupational safety as a fundamental labor right in 2022, noting this is an opportunity to hold states accountable.

In conclusion, Moderator Seth identified five key ingredients for spurring transformational change: policy, institutional reform, data, money, partnerships, and leadership. He thanked host Germany for its facilitation of the ICCM process thus far.

High-level Roundtables: High-level participants from governments, industry, intergovernmental organizations and nongovernmental organizations participated in closed “world cafe” style roundtable discussions on three themes:

- strengthening chemicals and waste management systems and capacities: Bridging implementation gaps through multi-sectoral and stakeholder collaboration;
- fostering solutions and sustainable chemistry innovation in economic and industry sectors along value chains: Mobilizing leadership; and
- maximizing contributions of sound management of chemicals and waste in achieving Sustainable Development Goals: Creating linkages and fostering action.

The key messages from the roundtables will be reported to Friday’s HLS session.

In the Corridors

As the week wore on, sleep—or the lack thereof—has been increasingly blamed for all manner of missteps cropping up on the dais and in contact groups. Even as weary facilitators urged equally weary delegates to harness the much-cited “Bonn spirit” and consider backing down from entrenched positions, many corridor conversations were increasingly despondent. With a much smaller than expected contingent of ministers and heads of intergovernmental agencies arriving for the High-level Segment in the afternoon, some delegates were starting to openly speculate about the previously unimaginable prospect of not reaching agreement on a post-2020 framework.

Many delegates were disappointed that the long-rumored “funding surprise” announced on Thursday was far lower than hoped (EUR 10 million) and only from one donor (Germany). “Where are the other donors?” asked one, “Why are they silent?” However, much shuttle diplomacy behind the scenes was spotted involving a small set of certain key actors seeking to forge a compromise on key issues, such as creating a “Quick Start Programme (QSP) 2.0” with another name, to overcome the negotiation barriers on finance. As one delegate who has followed SAICM from the beginning pointed out, “the idea has its advantages: most people consider QSP a success, and using terms of reference hewing to QSP’s can’t be opposed by ‘the usual suspects’ as something new a voluntary process shouldn’t propose, since they all approved it the first time.”

The *Earth Negotiations Bulletin* summary and analysis of ICCM5 will be available on Monday, 2 October 2023 at: enb.iisd.org/iccm5-saicm-intersessional-process-resumed-4-sound-management-chemicals-waste-beyond-2020